

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In Re: Bard IVC Filters)	MD-15-02641-PHX-DGC
Products Liability Litigation)	
)	Phoenix, Arizona
)	May 22, 2018
)	
Doris Jones, an individual,)	
)	
Plaintiff,)	
)	CV-16-00782-PHX-DGC
v.)	
)	
C.R. Bard, Inc., a New Jersey)	
corporation; and Bard Peripheral)	
Vascular, Inc., an Arizona)	
corporation,)	
)	
Defendants.)	
)	

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 5 - A.M. SESSION

(Pages 935 - 1076)

Official Court Reporter:
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Transcript Prepared with Computer-Aided Transcription

1 through her inferior vena cava, through her right atrium,
2 through her right ventricle, and into her pulmonary artery.

3 Q Change topics a little bit here.

4 Dr. Hurst, what is informed consent? And
5 specifically when you're talking about implanting a permanent
6 medical device in a patient like an IVC filter?

7 A So when we plant -- implant permanent devices in patients,
8 we're kind of serving as the informant for the patient. We're
9 making a decision together based on the -- my knowledge of the
10 device and its behavior and its potential benefits and the
11 patient's disease process and the risks of that ongoing
12 disease process.

13 So we do a risk/benefit analysis, and it really
14 depends on the inherent or potential risks of that device.
15 You really need to know what's going to happen with that
16 device before you place it.

17 Q So when you're assessing the risk/benefit analysis, so you
18 can provide informed consent to a patient, do you have
19 expectations of a medical device company like Bard?

20 A Yes.

21 Q What are those expectations?

22 A We expect the device companies to provide us with
23 information that will instruct us on how to use the device
24 properly, instruct us on or warn us of potential complications
25 that occur both during the placement of the device and in the

1 follow-up of the device. We expect to be instructed on how to
2 follow up the device, especially if it's a permanent device.
3 And we expect to kind of have an idea of what the incidence of
4 and seriousness of these potential complications of any device
5 would be.

6 Q And you just talked about the expectations of a company as
7 far as of information it would provide to you.

8 What were your expectations yourself and similar
9 interventional radiologies as far as the performance of the
10 Bard IVC filters, including the Eclipse?

11 A So we expect the device company up front to have done
12 their due diligence, to have done the research on the device,
13 to understand how the device will work in a patient. And
14 then, once the device is released, we expect communication
15 back and forth on any adverse events that they might be seeing
16 or any risks that are unexpected that occur with the device.
17 We expect them to have some sort of surveillance program such
18 that they'll be able to alert us to issues that are happening
19 with the device.

20 Q And as far as the performance of the device, did
21 Mrs. Jones' Eclipse filter meet those expectations?

22 A Mrs. Jones' filter did not. Unfortunately, it failed. It
23 developed a fracture which embolized or migrated to her heart
24 and then to her right pulmonary artery.

25 Q Now, the Eclipse was -- could be a permanent device?

C E R T I F I C A T E

I, PATRICIA LYONS, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control, and to the best of my ability.

DATED at Phoenix, Arizona, this 22nd day of May, 2018.

s/ Patricia Lyons, RMR, CRR
Official Court Reporter